

1 United States District Court for the Middle District of North Carolina

2 324 W Market St Ste 247, Greensboro, NC 27401



3  
4 Daniel James Silva

5 Plaintiff

6 Case Number: 1:22CV33

7  
8 Taylor Alison Swift

9 Defendant

10 Jury trial demanded.

11  
12  
13  
14 Verified RICO Complaint

1                   Addresses

2  
3  
4                   Defendant

5                   Taylor Alison swift

6                   2201 Harding place Nashville, TN 37215

7  
8  
9  
10                  Plaintiff

11                 Daniel James Silva

12                 501 lester lane Winston salem Nc 27103

1 Factual background

2  
3  
4 **Taylor swifts, James Douglas Baldrige, Venable LLC, neal and**  
5 **harwell,william T ramsey,mariam n stockton , and mazianio s reliford are**  
6 **actively involved in a RICO conspiracy involving fraudulent Trademarks**  
7 **trademarks (1989 sn: 86363039) and (1989 sn: 86369161) because swifts name**  
8 **of her album is called (T.S. 1989) sn:86369455 not (1989) they have actively**  
9 **been protecting fraudulent trademarks (1989 sn: 86363039) and (1989 sn:**  
10 **86369161).**  
11

12 Statement of claim

13 On January 22, 2020 magistrate judge Michal Frank made an order striking my  
14 complaint in federal case **4:19-cv-00286-RH-MJF SILVA v. SWIFT et al** the  
15 **only problem is this order potentially broke the following federal statues**  
16 **including at least 1 Rico violation. Franks order (dkt 67) strake my compliant**  
17 **which TAYLOR SWIFT couldn't answer within admitting her trademarks**  
18 **(1989 sn: 86363039) and (1989 sn: 86369161),**

1

2 **were fraudulent misrepresentations of her musical album T.S. 1989 (T.S.**  
3 **1989) sn:86369455 which means 2 3<sup>rd</sup> felons were potentially committed by**  
4 **swifts trademark lawyer N. rose on trademarks (1989 sn: 86363039) and**  
5 **(1989 sn: 86369161) (false statement's 1001).**

6

7 **Judge frank had to upload his fraudulent order to pacer.gov committing wire**  
8 **fraud 18 USC § 1343( The federal wire fraud statute defined under 18 USC §**  
9 **1343, states certain acts constitute criminal offenses. The important**  
10 **consideration in prosecuting wire fraud is the use of wire communications, a**  
11 **scheme to defraud, the involvement of material deception, and the intention of**  
12 **depriving another of property, honest services or money. The important acts that**  
13 **would constitute the crime involve the following:**

14 **Using a scheme** with the intention of defrauding another to obtain property or  
15 money. Employing false representation, pretenses, false promises and other similar  
16 fraudulent acts. **Transmitting any writing(judge franks order), signals, signs,**  
17 **pictures or sounds by means of radio, wire or television communication, and also**  
18 **sent me a copy to my address at the time in Florida committing mail fraud**  
19 **There are two elements in mail fraud: (1) having devised or intending to**

1 **devise a scheme to defraud (or to perform specified fraudulent acts), and (2)**  
2 **use of the mail for the purpose of executing, or attempting to execute, the**  
3 **scheme (or specified fraudulent acts)." Schmuck v. United States, 489 U.S.**  
4 **705, 721 n. 10 (1989); see also Pereira v. United States, 347 U.S. 1, 8 (1954) ("The**  
5 **elements of the offense of mail fraud under . . . § 1341 are (1) a scheme to**  
6 **defraud, and (2) the mailing of a letter, etc., for the purpose of executing the**  
7 **scheme."); Laura A. Eilers & Harvey B. Silikovitz, Mail and Wire Fraud, 31 Am.**  
8 **Crim. L. Rev. 703, 704 (1994) (cases cited).**

9  
10 **Both judge franks wire and mail equal one (1) count of RICO with swift is**  
11 **potentially guilty conspiracy or by assertory which is my statement of claim**  
12 **for this lawsuit herein.**

13  
14  
15 **Memorandum of law to bring this lawsuit.**

16 **1. the Racketeer Influenced and Corrupt Organizations aCt (RICO), 18**  
17 **U.S.C. ' 1961-1968, which is Title IX of the Organized Crime Control Act**  
18 **of 1970 (OCCA), imposes criminal and civil liability upon persons who**  
19 **engage in certain "prohibited Activities," each of which is defined to**

1 include, as a necessary element, proof of a "pattern of racketeering activity." ' 1

2 1962. "Racketeering activity" means "any act or threat involving" specified

3 state law crimes, any "act" indictable under specified federal statutes, and

4 certain federal "offenses." ' 1961(1). A "pattern" requires "at least two acts

5 **of racketeering activity" within a 10-year period. ' 1965(5).**

6  
7  
8 Continuity of racketeering activity likewise may be demonstrated in a variety of

9 ways. Continuity is centrally a temporal concept, and may be either closed—or

10 open-ended. A party alleging a RICO violation may demonstrate continuity over a

11 closed period by proving a series of related predicates extending over a substantial

12 period of time.

13  
14 **(c) Neither RICO's language nor its legislative history supports a rule that a**

15 **defendant's racketeering activities form a pattern only if they are**

16 **characteristic of organized crime. No such restriction appears in RICO's test.**

17 **Nor is there any language suggesting that RICO's scope should be limited to**

18 **acts of an association rather than an individual acting alone.**

1  
2  
3 **A line of cases hold that any governmental agency, court, political office or the**  
4 **like could serve as a RICO "enterprise."** United States v. Thompson, 685 F.2d  
5 993, 999 (6th Cir. 1982)(en banc) cert. denied, 459 U.S. 1072 (1983). **Among the**  
6 **government units that have been held to be "enterprises" are offices of**  
7 **governors and state legislators, courts, court clerks' offices.** See e.g., United  
8 States v. Stratton, 649 F.2d 1066, 1072-75 (5th Cir. 1981); United States v. Clark,  
9 656 F.2d 1259, 1261-67 (8th Cir. 1981) Office of county judge); United States v.  
10 Frumento, 405 F. Supp. 23, 29-30 (E.D. Pa. 1975), affd, 563 F.2d 1083 (3d Cir.  
11 1977). cert, debued, 434 U.S. 1072 (1978).

12  
13 **Decisions after Frumento expanded government activity to every conceivable**  
14 **government agency, court, or political office. United States v. Thompson, 669**  
15 **F.2d 1143 (6th Cir), revd 685 F.2d 993 (6th Cir. 1982)(en banc), cert. denied, 459**  
16 **U.S. 1072 (1983)**

17  
18 Each of these criminal acts were compounded by the fact that they were  
19 perpetrated by people in positions of trust, who were paid to enforce the law.

1

2       Expanding on the number of parties involved in the series of predicate acts  
3 were the unknown—but suspected—U.S. Department of Justice—parties that were  
4 orchestrating the multiple schemes and conspiracies and protecting each of the  
5 criminal acts of each and every one.

6

7 Title 18 U.S.C. § 1962(a) provides:

8

9 Title 18 U.S.C. § 1962(d) makes it "unlawful for any person to conspire to violate  
10 any of the provisions of subsections (a), (b), or (c) of this section."

11

12 **In Beauford v. Helmsley, \_\_\_ S. Ct. \_\_\_ (1989), the Supreme Court held that**  
13 **it is not necessary to prove that multiple schemes, episodes or transactions**  
14 **occurred in order to establish a "pattern of racketeering activity," as long as**  
15 **the racketeering acts were "neither isolated nor sporadic."**

16

17 **Mail and wire fraud were a part of the scheme,** as defendants used the mails and  
18 telephone to carry out their schemes. The mails were used in filing court papers,



used to notify plaintiff of these filings, More than two, actually dozens of instances, of such mail and wire fraud occurred, in a pattern of racketeering activity.

In *H.J. Inc. v. Northwestern Bell Telephone Co. vs. U.S.* (June 26, 1989), the court held:

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. ' 1961-1968, which is Title IX of the Organized Crime Control Act of 1970 (OCCA), imposes criminal and civil liability upon persons who engage in certain "prohibited Activities," each of which is defined to include, as a necessary element, proof of a "pattern of racketeering activity." ' 1962. "Racketeering activity" means "any act or threat involving" specified state law crimes, any "act" indictable under specified federal statutes, and certain federal "offenses." ' 1961(1). A "pattern" requires "at least two acts of racketeering activity" within a 10-year period. ' 1965(5).

Continuity of racketeering activity likewise may be demonstrated in a variety of ways. Continuity is centrally a temporal concept, and may be either closed—or open-ended. A party alleging a RICO violation may demonstrate continuity over a

1 closed period by proving a series of related predicates extending over a substantial  
2 period of time.

3  
4 (c) Neither RICO's language nor its legislative history supports a rule that a  
5 defendant's racketeering activities form a pattern only if they are characteristic of  
6 organized crime. No such restriction appears in RICO's test. Nor is there any  
7 language suggesting that RICO's scope should be limited to acts of an association  
8 rather than an individual acting alone.

9  
10 RICO Requires no more than a slight effect upon interstate commerce.  
11 United States v. Doherty, 867 F.2d 47, 68 (1st Cir. 1989). United States v. Murphy,  
12 768 F.2d 1518, 1531 (7th Cir. 1985). cert. denied, 106 S.Ct. 1188 (1986).

13  
14 The racketeering activity is not required to benefit the enterprise. The participants  
15 in the scheme are not required to have personally profited, though some did.  
16 United States v. Killip, 819 F.2d 1542, 1549 (10th Cir. 1987).

1 Congress limited the force of Rule 8(b) by loosening the statutory requirements for  
2 what constitutes joint criminal activities. *United States v. Friedman*, 854 F.2d 535,  
3 561 (2d Cir. 1988); *United States v. Castellano*, 610 F.Supp. 1359, 1396 (S.D.N.Y.  
4 1985). If a defendant is not named in a conspiracy or RICO count, he may be  
5 charged in a separate court, in the same indictment, if he is alleged to have  
6 participated in the same series of acts or transactions that constituted the  
7 conspiracy or RICO offense.

## 8

### 9 **Civil Liability**

10 **Section 1964(c) of the RICO Act also allows civil claims against anyone**  
11 **accused of a RICO violation. When a civil RICO claim is successfully**  
12 **established, the injured person automatically receives a judgment of three**  
13 **times the amount of their actual damages, plus legal fees**

14

15 **RICO employs broad definitions to sweep a wide variety of enterprise**  
16 **criminal activity into its purview. One of the original goals of RICO was to**  
17 **eliminate organized-crime families. However, because Congress could not**  
18 **legislate against specific persons or families, it was forced to use broad**  
19 **language to define racketeering and organized crime. The far-reaching**

1 language of the statute has subjected a wide range of criminal defendants to  
2 RICO's penalties. The typical RICO defendant is far from the stereotypical  
3 violent mobster. A RICO defendant can be anyone who uses a business  
4 (including courts of law) in any way to commit two or more of the many  
5 racketeering offenses.

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9 **Judge Hinkle's void order**

10 Judge hinkle later on in case 4:19-cv-00286-RH-MJF SILVA v. SWIFT et al  
11 made a order (dkt 118) that I couldn't file any lawsuit with taylor swift  
12 without an attorneys signature although I am a pro se attorney and also he  
13 never gave me due process also being an accessory to Taylor swifts crimes  
14 involving her fraudulent trademarks,

15 A judge is an officer of the court, as well as are all attorneys. A state judge is a  
16 state judicial officer, paid by the State to act impartially and lawfully. A  
17 federal judge is a federal judicial officer, paid by the federal government to  
18 act impartially and lawfully. State and federal attorneys fall into the same

1 **general category and must meet the same requirements. A judge is not the**  
2 **court. People v. Zajic, 88 Ill.App.3d 477,**

3  
4 **"Fraud upon the court" occurs whenever any officer of the court commits**  
5 **fraud before a tribunal. A judge is not a court; he is under law an officer of**  
6 **the court, and he must not engage in any action to deceive the court. Trans**  
7 **Aero Inc. v. LaFuerga Area Boliviana, 24 F.3d 457 (2nd Cir. 1994); Bulloch v.**  
8 **United States,**

9  
10 **763 F.2d 1115, 1121 (10th Cir. 1985) (fraud upon the court exists "where the judge**  
11 **has not performed his duty).**

12  
13 **Whenever any officer of the court commits fraud during a proceeding in the court,**  
14 **he/she is engaged in "fraud upon the court". In Bulloch v. United States, 763 F.2d**  
15 **1115, 1121 (10th Cir. 1985),**

16 **the court stated "Fraud upon the court is fraud which is directed to the judicial**  
17 **machinery itself and is not fraud between the parties or fraudulent documents, false**  
18 **statements or perjury. ... It is where the court or a member is corrupted or**

1 influenced or influence is attempted or where the judge hasnot performed his  
2 judicial function --- thus where the impartial functions of the court have been  
3 directly corrupted.""Fraud upon the court" has been defined by the 7th Circuit  
4 Court of Appeals to "embrace that species of fraud which does, or attempts to,  
5 defile the court itself, or is a fraud perpetrated by officers of thecourt so that the  
6 judicial machinery can not perform in the usual manner its impartial task of  
7 adjudgingcases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689  
8 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further  
9 stated "a decision produced by fraud upon thecourt is not in essence a decision at  
10 all, and never becomes final."

11  
12 What effect does an act of "fraud upon the court" have upon the court  
13 proceeding? "Fraud upon  
14 the court" makes void the orders and judgments of that court. **The U.S. Supreme**  
15 **Court has consistently held that a void order is void at all times, does not**  
16 **have to be reversed or vacated by a judge, can not be made valid by any**  
17 **judge, nor does it gain validity by the passage of time. The order is void ab**  
18 **initio.**

19 Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920).

1 “Fraud destroys the validity of everything into which it enters,” Nudd v. Burrows  
2 (1875), 91 US 426, 23 Led 286,290; particularly when “a judge himself is a party  
3 to the fraud,” Cone v. Harris (Okl. 1924), 230 P. 721, 723. Windsor v. McVeigh  
4 (1876), 93 US 276, 23 Led 914, 918.

5  
6 A judgment may not be rendered in violation of constitutional protections. The  
7 validity of a judgment may be affected by a failure to give the constitutionally  
8 required due process notice and an opportunity to be heard. Earle v. McVeigh, 91  
9 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). Prather vLoyd, 86  
10 Idaho 45, 382 P2d 910.

11  
12 **The limitations inherent in the requirements of due process and equal**  
13 **protection of the law extend to judicial as well as political branches of**  
14 **government, so that a**  
15 **judgment may not be rendered in violation of those constitutional limitations**  
16 **and**  
17 **guarantees.** Hanson v Denckla, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

1 Conclusion,

2 Judge Michael franks order (dkt 67) in case 4:19-cv-00286-RH-MJF SILVA v.

3 SWIFT et al was wire frand and mail fraud that circumvented the FRCP and cost

4 me to lose 189,000,000 million dollars being 12 days away with swift defaulting

5 on that very case I request the following relief.

6  
7 Relief request.

8 A default judgement of 189,000,000 dollars in favor of the plaintiff on a motion for

9 sanctions for taylor swift being an accessory and conspiracy of Rico violations in

10 case 4:19-cv-00286-RH-MJF SILVA v. SWIFT et al for judge franks mail and

11 wire fraud, also in support the electronic signature for N.rose is missing from the

12 USPTO 18 U.S. Code § 1519. **Destruction, alteration, or falsification of records**

13 in Federal investigations and bankruptcy (

14 **Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies,**

15 **or makes a false entry in any record, document, or tangible object with the**

16 **intent to impede, obstruct, or influence the investigation or proper**

17 **administration of any matter within the jurisdiction of any department or**

18 **agency of the United States or any case filed under title 11, or in relation to or**



1 contemplation of any such matter or case, shall be fined under this title, imprisoned  
2 not more than **20 years, or both.**

3 (Added Pub. L. 107–204, title VIII, § 802(a), July 30, 2002, 116 Stat. 800.)  
4

5 So in short grant me a default judgment of 189,000,000 dollars due to the rico  
6 violations crated in case 4:19-cv-00286-RH-MJF SILVA v. SWIFT et al by the  
7 defendant in conspiracy circumvent a automatic default judgment, and also more  
8 then likely N.rose in conspiracy with the USPTO altered and deleted her electronic  
9 signature, more then likely committing **spoliation of the evidence** in case 4:19-  
10 **cv-00286-RH-MJF SILVA v. SWIFT et al. I remember seeing her electronic**  
11 **signature a few years ago before I ever starting suing Taylor Swift over her**  
12 **trademarks.**

**Proper venue**

The venue is proper (MDONC) because my address is 501 Lester lane Winston Salem north Carolina 27103), less the 5 miles from Hiram H. Ward Federal Building. And also I'm seeking more the 75,000 in damages also im a resident of a different state then Florida ( citizenship of diversity ).

**Standing**

I have legal standing to being this suit due to me (Daniel James silva) being affected by swifts rico violations in case **4:19-cv-00286-RH-MJF SILVA v. SWIFT et al.**

**Pro se case law,**

**1. Elmore v. McCammon (1986) 640 F. Supp. 905**

**"... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."**

1    **2. Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R.**  
2    **Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 Pro se pleadings are to be**  
3    **considered without regard to technicality; pro se litigants' pleadings are not to**  
4    **be held to the same high standards of perfection as lawyers.**

5  
6  
7    **3. Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)**

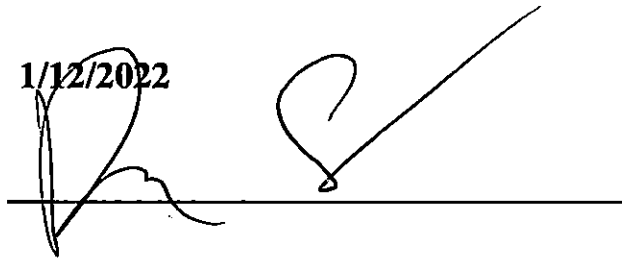
8    **"Pleadings are intended to serve as a means of arriving at fair and just**  
9    **settlements of controversies between litigants. They should not raise barriers**  
10    **which prevent the achievement of that end. Proper pleading is important, but**  
11    **its importance consists in its effectiveness as a means to accomplish the end**  
12    **of a just judgment."**

13  
14    **4. Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)**

15    **It was held that a pro se complaint requires a less stringent reading than one**  
16    **drafted by a lawyer per Justice Black in Conley v. Gibson.**

**Daniel James silva    pro se attorney        Master of LAW**

**1/12/2022**

A handwritten signature in black ink, appearing to be 'D. Silva', is written over a horizontal line. To the left of the signature, the date '1/12/2022' is handwritten.

**Celticmoon1989@yahoo.com**

**501 Lester lane Winston Salem nc 27103**

**The federal court system has approved my forma pauperis in case 3:20-cv-00938 Silva v. Mullen et al William L. Campbell Jr, so a federal court of the united states has already declared me a pauper and that was when I had a job I don't have one anymore.**

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**Further Rico violations**

**Taylor swift and her conspirators have recently committed rico violations in this court Case No. 3:21-cv-00136 involving invalid copyright 1989, William L. Campbell Jr presided over the case Case No. 3:21-cv-00136 in the very same court he committed Rico violations in case 3:20-cv-00938 Silva v. Mullen et al. earlier in the year.**

**Other relevant case law,**

**A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. Sabariego v Maverick, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal.**

**"A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include Kalb v. Feuerstein (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; Ex parte Rowland (1882) 104 U.S. 604, 26 L.Ed. 861: "A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its wants of vitality is a dead**

1 limb upon the judicial tree, which should be lopped off, if the power to do so  
2 exists." *People v. Greene*, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448]. "If a  
3 court grants relief, which under the circumstances it hasn't any authority to  
4 grant, its judgment is to that extent void."

5 (1Freeman on Judgments, 120c.) An illegal order is forever void.

6  
7  
8 Avoid judgment is one entered by court without jurisdiction of parties or  
9 subject matter or that lacks inherent power to make or enter particular order  
10 involved and such a judgment may be attacked at any time, either directly or  
11 collaterally, *People v. Wade*, 506 N.W.2d 954 (Ill. 1987).

12  
13 Judge L. PATRICK AULD is over seeing 4 cases of mine

14 1:21-cv-00865-UA-LPA          SILVA v. SCHAUDIES

15 1:21-cv-00868-UA-LPA          SILVA v. VENABLE LLP

16 1:21-cv-00870-UA-LPA          SILVA v. SCHAUDIES et al

17 1:21-cv-00912-UA-LPA          SILVA v. WALT DISNEY WORLD

1 He has yet to grant me meaningful due process he's potentially guilt of 4  
2 counts of impeding the due administration of justice 1505 , which is up to 20  
3 years in federal prison and also 4 counts of conspiracy against civil rights  
4 which is 10 years a count up to 40 years for a total of 60 years for not granting  
5 due process and a opportunity to be heard my 5<sup>th</sup> and 14<sup>th</sup> amendment right.  
6 Regardless if he gets this case too its criminal manipulation of the FRCP.

7  
8  
9 Table of contents

10 Exhibit A judge franks fraudulent order that mail and wire fraud was  
11 committed in conspiracy to protect fraudulent trademarks (1989 sn:  
12 86363039) and (1989 sn: 86369161).

13 Exhibit B an order giving swift 60 days to answer my complaint

14 Exhibit C waiver of service for taylor swift in case 4: 19-cv-286-RH-MJF

15 Exhibit D proof of service for case case 4: 19-cv-286-RH-MJF

16 Exhibit E real name of swifts album (ts 1989 sn(86369455)

17 Exhibit F potential altered federal document trademark 1989 (86363039)